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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,703	07/17/2003	Yoshitaka Sakoh	02410335AA	9315
30743	7590	02/24/2006	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			NGUYEN, BINH AN DUC	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/620,703		SAKOH, YOSHITAKA	
	<b>Examiner</b>		<b>Art Unit</b>	
	Binh-An D. Nguyen		3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

The Amendment filed December 7, 2006 has been received. According to the Amendment, the Specification and Drawing have been amended; further, claim 2 has been amended. Acknowledgment has been made.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stambolic et al. (5,685,776).

Referring to claim 1, Stambolic et al. teaches a controller comprising: a battery terminal holding member (Figs.3A, 4B); a switch holding member, holding a switch (74A); and a parts holding member (bottom part 35, 30), mounted on a main board (52)(Figs.3A,4B), wherein the battery terminal holding member (bottom housing part 35, 30) and the switch holding member are integrally formed on the parts holding member (Fig.4B). Stambolic et al. does not explicitly teach a switch board on which a push switch is mounted, however, this is a design choice since the switch holding member which holds the switch, as taught by Stambolic et al., would have the same function and effect as the claimed switch board holding member which holds a board having a switch

mounted thereon, *i.e.*, both the holding member of Stambolic et al. and the applicant's holding member are for supporting the switch of the controller. Thus, there is no unexpected result if the claimed holding member holding the switch alone or holding the switch board having a switch thereon.

Referring to claims 2 and 3, Stambolic et al. teaches the battery terminal holding member holds a battery terminal (Figs. 3A, 4B, 5B). Regarding the limitation of the battery terminal holding member holds a battery terminal board; and a rib formed on the battery terminal holding member (claim 2); and the rib is formed so as to surround the battery terminal board (claim, 3), these limitations are notoriously well known in the industry. Please see also the cited reference of Okada et al. (6,271,644) which shows an example of the conventional art (Fig.9) wherein a battery case (41) having terminal boards (47 and 50) thereon; further, rib is formed so as to surround the battery terminal boards 47 and 50.

Referring to claim 4, Stambolic et al. teaches a reinforcement rib formed on the switch holding member, *i.e.*, rib underneath the switch 74A, so as to receive a force generated by an operation of the push switch (Fig.4B).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the handheld controller of Stambolic et al., utilizing well known design techniques such as switches design placement and battery holder design, to come up with a portable controller having parts holding member that contains compact electronic circuitry which are reliable and inexpensive to manufacture.

### ***Response to Arguments***

Applicant's arguments filed December 7, 2005 have been fully considered but they are not persuasive.

The applicant argued that Stambolic et al. does not teach the limitation of the battery terminal holding member and the switch board holding member are integrally formed on the parts holding member (applicant's remarks, page 8, line 10 to page 9 line 18), the examiner respectfully disagreed. Stambolic et al. teaches the battery terminal holding member (35 and 30) and the switch holding member (Fig.4B) are integrally formed on the parts holding member (also 35 and 30). Thus, the holding members (35 and 30) of Stambolic et al., in combination with alternative well known design techniques being addressed above, does make obvious the applicant's claimed invention.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER  
TC3700